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38. (New) A nucleotide sequence which encodes the IRF protein according to claim 4.

REMARKS

The Examiner has objected to the claims as lacking unity of invention. Applicant respectfully disagrees with the requirement for restriction as between Groups I and II.

IRFs are known including IRF-3 and IRF-7. The applicant does not seek to claim known IRFs. Rather, Applicant claims IRFs which have been modified at at least one serine or threonine phosphoacceptor site (with the proviso that Applicant's invention does not encompass a modified IRF-3 wherein the modified phosphoacceptor site is Ser-385 or Ser-386). Independent claim 1 is clearly restricted to IRFs which are so modified. Applicant is not aware of any prior art which anticipates or renders obvious this scope of claim. Applicant has enabled the scope of claim by providing different examples of it. In the result, Applicant should be entitled to claim his invention without being restricted to specific exemplified embodiments. The Examiner is requested to reconsider his requirement for restriction only to modified IRF-3 in Group I and only to modified IRF-7 in Group II.

Applicant has included new claims 35 and 36 and requests they be joined to Group I, and Groups I and II, respectively. These claims are supported by the disclosure, for example at page 11, lines 8 to 16.

Applicant has also included new claim 37 to nucleotide sequences which encode the modified IRFs of the invention. Since amended claim 37 claims only those nucleotides which encode the claimed protein, it should be permitted to be examined in the same application as the protein claims. New claim 38 is restricted to the sequence which encodes modified IRF-7. Accordingly, even if the Examiner maintains his unity objection as between various IRFs, Applicant submits that the claim 38 should be permitted to be examined in the same group as Group II to modified IRF-7.


Applicant provisionally elects Group II to modified IRF-7. Applicant traverses the restriction requirement to the extent that the subject matter of Group I and new claims 35 to 38 be rejoined and examined together with Group II.

The Examiner has requested a certified copy of the priority document. Applicant notes that a certified copy of the priority document was filed during the international phase of PCT/CA98/00314 of which this is the U.S. national entry under 35 USC § 371. Accordingly, no further certified copy of the priority document should be required and the priority claim should be considered already to have been perfected. Confirmation is requested.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. Should the Examiner be of the view that a telephone conference would expedite prosecution of this application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

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Date


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